

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW MEXICO**

RICHARD VELA, SR. and
RICHARD VELA, JR,

Plaintiffs,

v.

Civ. No. 23-430 KWR/GJF

CARLSBAD MEDICAL CENTER, LLC,
PECOS VALLEY OF NEW MEXICO, LLC
d/b/a PECOS VALLEY PHYSICIAN GROUP,
and CHSPSC, LLC d/b/a COMMUNITY
HEALTH SYSTEMS,

Defendants.

ORDER GRANTING IN PART AND DENYING IN PART MOTION TO COMPEL


THIS MATTER is before the Court on Carlsbad Medical Center, LLC's Motion to Compel Plaintiffs' Responses to Discovery Requests ("Motion to Compel"), filed July 26, 2024. ECF 94. On September 12, 2024, the Court held a hearing on this Motion. *See* ECF 108. For the reasons stated on the record at the hearing, the Motion to Compel is GRANTED IN PART and DENIED IN PART, as follows:

- As to **Interrogatories 1 and 2 and Request for Production 3**, Plaintiffs must reinitiate contact with Medicaid/CMS to obtain the present lien amount and produce to Carlsbad Medical Center, LLC (CMC) any documentation received therefrom. The GAL must seasonably supplement (approximately every 60 days) her response to these discovery requests with additional updated Medicaid lien information. The GAL must also supplement her response to interrogatory 2 to explain the steps she took to investigate the information requested and to produce any responsive lien information she receives.
- As to **Interrogatories 3 and 5**, the GAL must compartmentalize the available medical bills to reflect which amounts Plaintiffs contends were wholly or partially caused by Defendants' alleged negligence and provide a damages calculation for past medical care.
- As to **Interrogatory 15 to Plaintiff Vela, Jr.**, Plaintiff Vela, Jr. must supplement his response to provide information for any persons who have held the specified roles at any time in Plaintiff Vela, Sr.'s adult life. Plaintiff Vela, Jr.'s response should explain the investigations undertaken in attempting to respond (e.g., searching available databases, speaking to witnesses who would most readily have the requested information).

- As to **Request for Production 7 to the GAL**, the GAL must supplement her responses with any *new* documents related to persons holding the specified roles during Plaintiff Vela, Sr.'s adult life.
- As to **Interrogatory 17 to Plaintiff Vela Jr.**, Plaintiff Vela, Jr. must supplement his response to provide Mr. Lopez's full name, telephone number, and the best information he has as to Mr. Lopez's address. Plaintiff Vela, Jr. must further investigate the last time he communicated with Mr. Lopez in any way and supplement his response with that information.
- As to **Interrogatory 25 and Requests for Production 33 and 34**, CMC's Motion to Compel is **DENIED** on the basis that the discovery requests were not directed to the GAL. The Court offered its view that there would need to be a fulsome, energetic exchange with the SSA to obtain information responsive to the discovery requests recently served on the GAL.

IT IS FURTHER ORDERED that the deadline for compliance with the above rulings is **October 2, 2024**.

SO ORDERED.



THE HONORABLE GREGORY J. FOURATT
UNITED STATES MAGISTRATE JUDGE